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Summary record of the 39th meeting
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Chairman: Ms. Geelan (Vice-Chairman) ..... (Denmark)

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* Items which the Committee has decided to consider together.

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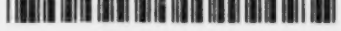

In the absence of Mr. Galuška (Czech Republic), Ms. Geelan (Denmark), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 114: Elimination of racism and racial discrimination (*continued*)

Draft resolution A/C.3/54/L.28/Rev.1, entitled "Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance"

1. **Ms. Elliott** (Guyana), speaking on behalf of the Group of 77 and China, and introducing draft resolution A/C.3/54/L.28/Rev.1 on behalf of the sponsors, said that Australia, Belgium, Germany, Ireland, Italy, Japan, Luxembourg and Norway had also become sponsors.

2. The draft resolution consisted of four sections. The last two sections remained in essence the same as in resolution 53/132. Substantial amendments had been made to section II in view of the need to start preparations for the Conference. In section I, in the light of the need for adequate support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and its Programme of Action, the Secretary-General was requested to make concrete proposals on how to ensure the resources that were required.

Agenda item 116: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

Draft resolution A/C.3/54/L.53, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families"

3. **Ms. Monroy** (Mexico), introducing draft resolution A/C.3/54/L.53 on behalf of the sponsors, said that, in paragraph 5, the words "the launching of" should be deleted. The Convention was a valuable legal instrument designed to protect the rights of a particularly vulnerable group of persons; its entry into force would be a major contribution to the existing legal framework in the area of human rights. Over the past year, Bangladesh and Turkey had signed the Convention, Mexico had ratified it, and Senegal had acceded to it, so that only eight ratifications or accessions were now required for its entry into force.

Agenda item 113: Programme of activities of the International Decade of the World's Indigenous People (*continued*)

Draft resolution A/C.3/54/L.45, entitled "International Decade of the World's Indigenous People"

4. **Ms. Newell** (Secretary of the Committee) said that the United Nations Controller had requested that the attention of the Committee should be drawn to the fact that a review of resolutions and decisions adopted by the Committee and by the Economic and Social Council and its functional commissions in recent years showed an increasing tendency to deal with administrative and budgetary matters. Examples were paragraph 5 (b) of draft resolution A/C.3/54/L.45, and also paragraph 20 of draft resolution A/C.3/54/L.52, which would be dealt with next. The Committee's attention was drawn to the provisions of General Assembly resolution 45/248, part B, section VI. The Controller and his staff were ready to provide the Committee with all relevant information regarding the procedures laid down in that resolution.

5. **The Chairman** announced that the Democratic Republic of the Congo, the Russian Federation and the Solomon Islands wished to become sponsors of draft resolution A/C.3/54/L.45.

6. *Draft resolution A/C.3/54/L.45 was adopted.*

Agenda item 116: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

Draft resolution A/C.3/54/L.52, entitled "International Covenants on Human Rights"

7. **Ms. Funered** (Sweden), speaking on behalf of the sponsors, announced that Belarus, Bulgaria, Ecuador, Georgia, Latvia and Luxembourg had also become sponsors.

8. *Draft resolution A/C.3/54/L.52 was adopted.*

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/54/93, 137, 216, 222 and Add.1, 303, 319, 336, 353, 360, 386, 399 and Add.1, 401, 439 and 491)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/54/188, 302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, 361, 365, 366, 387, A/54/396-S/1999/1000, A/54/409, 422, 440, 465, 466, 467, 482, 493 and 499; A/C.3/54/3 and 4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/54/36)

9. **Ms. Topic** (Bosnia and Herzegovina) said that Bosnia and Herzegovina was celebrating four years of peace. In view of the complexity of the situation, however, objectivity and impartiality were required, especially when talking of human rights in the process of post-conflict peace-building in Bosnia and Herzegovina.

10. It was unfortunate that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina, had claimed that the international community had failed to realize its political goals in Bosnia and Herzegovina, and that that was confirmed by the most recent report of the International Crisis Group. In reality, the report of the International Crisis Group assessed efforts to implement the Dayton Agreement and offered five key policy options to the international policy-makers. It had therefore raised questions and offered solutions, but had not suggested that the international community had failed in Bosnia and Herzegovina. Only impartiality in reporting could improve the human rights picture in Bosnia and Herzegovina.

11. Bosnia and Herzegovina was encouraged by the many positive changes and developments which were taking place. Much remained to be done, however. Indicted war criminals remained at large, and only about 30 per cent of the refugees had returned. Membership in the Council of Europe remained a priority political target for her Government. Her delegation fully agreed that the international human-rights treaties were the source of universal, interrelated and interdependent human-rights norms and principles. The European Convention on Human Rights was integrated into the Constitution of Bosnia and Herzegovina and took precedence over domestic law. Furthermore, her Government had hosted the signing of the Stability Pact of the European Union for south-eastern Europe, which prioritized progress towards democracy, respect for human rights and regional cooperation, with a view to integrating the States parties into the Euro-Atlantic structures.

12. **Ms. Faetanini** (San Marino) said that dialogue, education and acceptance of differences were the keys to peace. Peace could not, however, be achieved unless mentalities, beliefs, values and attitudes were changed. The elements which led to violence, hatred and intolerance must be identified and transformed. All cultures contained messages of peace and tolerance and every tradition contained means of resolving conflicts. Where those had been forgotten or ignored, however, it was a collective responsibility to rediscover and apply them.

13. She supported the suggestion by the Special Rapporteur on the elimination of all forms of religious intolerance that his title should be changed to "Special Rapporteur on freedom of religion or belief". She noted that religions were too often maligned and wrongly associated with intolerance, discrimination, violence and hatred. With the exception of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the United Nations system had not yet fully committed itself in the field of religion, and so should now develop its activities in that field and start a long-overdue dialogue. The growing problem of religious extremism could no longer be ignored.

14. She supported dialogue between religions and between civilizations, and stressed the need to highlight best practices and examples of tolerance and peaceful coexistence to prove that differences, be they racial, religious, social or political, did not automatically lead to hatred. While public information campaigns were essential in order to acknowledge the extent of human-rights violations around the world, the United Nations itself must play a leading role in drawing the lessons of non-violence and peaceful coexistence. One such example was provided by the history of San Marino itself.

15. **Ms. Viotti** (Brazil) said that despite great advances, particularly in the recent past, systematic violations of human rights remained a grim reality. The challenge was to put into practice the rights which were ensured in the legal sphere. It was not enough to react to human-rights violations; what was needed was preventive action, through the promotion of human rights on the basis of cooperation for development, poverty eradication and the strengthening of the institutions responsible for maintaining the rule of law. The international community must support the strengthening of the rule of law through cooperation among Member States.

16. It was often forgotten that human rights were indivisible, interdependent and universal. Long-term

solutions depended on establishing the concept of the relationship between human rights, democracy and development. It was essential to streamline the human-rights monitoring mechanisms. Brazil supported the process of evaluation of those mechanisms conducted by the Commission on Human Rights. Thematic rapporteurs were particularly important because their mandates covered all countries without distinction, thereby avoiding political selectivity. Rapporteurs for specific countries were also needed — despite the risk of politicization — in cases of systematic violations of human rights and complicity or powerlessness of the authorities. The reports on individual countries should be regarded as a contribution to improving the protection of human rights. Her delegation appreciated the efforts of the Office of the High Commissioner to stress the importance of economic, social and cultural rights and of the right to development for conflict prevention.

17. Her Government, and civil society in Brazil, were deeply committed to democratic values and respect for human rights. After three and a half years of implementation of the national programme for human rights, there had been significant changes, for example in legislation on torture, weapons control, and the status of refugees; agrarian reform; financial incentives for keeping children in school; a witness-protection programme; and improvement of the prison system.

18. Brazil had consolidated democracy and enjoyed economic stability. It was committed to combating all forms of violence and eliminating social and economic exclusion. However, it recognized that there were still great inequalities and serious structural problems. Dialogue with non-governmental organizations and international human-rights bodies provided essential support for its efforts. Brazil looked forward to the visit to Brazil by the United Nations High Commissioner for Human Rights.

19. **Mr. Sulaiman** (Syrian Arab Republic) said that while fundamental human rights were indivisible, they needed to be seen from a historical and cultural perspective.

20. The 1993 Vienna Conference on Human Rights had called for the adoption of a comprehensive and just approach to human rights, eschewing double standards, and taking account of national, regional, cultural and religious specificities.

21. The Syrian Constitution accorded special importance to promoting and guaranteeing the civil, political, economic, social and cultural rights of its citizens, requiring State institutions to safeguard those rights, while ensuring respect for the rule of law, for the independence and integrity of the judiciary and for protection of societal and individual security. Observance of the law and of due process was the means by which all Syrian citizens were guaranteed their rights.

22. Syria, which had acceded to more than 11 international human-rights instruments, honoured its commitments in conformity with international human-rights standards. Syrian citizens exercised their democratic rights in a context of political pluralism and freedom of expression. The right to vote and stand for election at all levels was guaranteed. All democratic and public institutions worked to protect the human rights of all sectors of society, including the right to development. Women played a distinctive and important role in development; growth and prosperity were not possible without their full and effective participation.

23. While human rights were indivisible, one particular State talked in lofty terms about human rights while occupying land belonging to others. That State had been "weaned" on non-compliance with the Charter of the United Nations.

24. Through its occupation of Arab land, Israel violated the most basic human-rights principles, pursuing a policy of murder, destruction, deportation and torture of Arab citizens in the Syrian Golan, southern Lebanon, west Bekaa and the Palestinian territories. Israel described Arab citizens who defended their land and right to self-determination as terrorists. Its occupying forces violated their freedom of expression, of movement and right to development. Human-rights observers had shown Israel to have violated the most basic rights of those living under occupation, as reiterated in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/54/325).

25. The commemoration on 28 October 1999 of the closure of Khiam Detention Centre in southern Lebanon had been an important occasion to express opposition to the practice of torture and unlawful detention to which detainees in Khiam were subjected. Khiam had become a symbol of Israel's flagrant disregard for human rights. Israel had never allowed outsiders to enter the centre for fear of revealing its violations of the rights of the detainees, some of whom had been there for over 15 years.

26. Human rights should not be used as a pretext for interfering in the internal affairs of States. States should refrain from a selective approach to human rights, based on double standards. They should combat racist laws and practices, particularly with regard to ethnic cleansing, mass expulsions and displacement of citizens. They should make no distinction between fundamental rights, including social,

economic and political rights and the right to daily nourishment. They should refrain from use of coercion against, and interference in the internal affairs of, other States on the pretext of defending human rights. They should accord priority to the most serious and widespread human-rights violations, such as the crimes of aggression and occupation.

27. **Mr. Kuindwa** (Kenya) said that the Office of the United Nations High Commissioner for Human Rights, by instituting a dialogue based on mutual respect and the equality of States, had made commendable progress in achieving international cooperation in the human-rights field. The High Commissioner had done well to refocus the activities of her Office to emphasize early preventive action in the protection of human rights. The United Nations must keep in mind the global context of human rights and be objective, impartial and non-selective. Whereas human rights were universal and indivisible, the political, historical, cultural and other practices of each country must be taken into account, and sovereignty and territorial integrity respected. Confrontational attempts by States to use human rights as a weapon in the conduct of foreign policy and development cooperation should, however, be rejected.

28. To enhance public awareness of basic human rights and freedoms, Kenya had established an autonomous Standing Committee on Human Rights, which would have full powers to investigate alleged violations or abuse of power by public officials, and the major responsibility for educating the public on human-rights issues. The Standing Committee would be one of several consultative mechanisms in key departments dealing with human rights on which his Government would rely in reaching transparent policy decisions.

29. **Mr. Bivero** (Venezuela) said it was the first time that Venezuela was able to report to the international community on important human-rights developments in the country. The current Government had made it a basic political objective and a high priority to promote and defend human rights, both domestically and internationally, at a time of profound political and institutional renewal centred on the democratic elaboration of a new constitution. The guarantee of universal and indivisible human rights, the respect for human dignity, the full exercise of rights and freedoms by all individuals without distinction as well as social justice were inherent to the Venezuelan conception of a State under the rule of law, and the aim was to create a true human-rights culture among the people.

30. Respect for human rights and the development of international instruments and institutions for the protection of human rights were linked to the development of participatory democracy.

31. Venezuela's draft constitution incorporated new human-rights concepts developed in recent years in international law, in the interests of both social justice and compliance with the international instruments it had ratified. A set of constitutional articles on human rights had already been adopted by the National Assembly, with provisions for punishing human-rights abuses by officials and compensating the victims; making the regular courts alone competent to judge cases of human-rights violations and restricting the scope of military justice; giving constitutional rank to international treaties, which could thus be directly invoked; abolishing the death penalty; establishing the Office of Ombudsman; and recognizing the importance in a democracy of human-rights education and information. Venezuela was also in the process of setting up mechanisms to deal with the problems of impunity, torture and forced disappearances and to protect vulnerable groups in society; training security forces to respect human rights; and reforming the prison system.

32. On the international scene, Venezuela had signed all the basic human-rights instruments and had helped to further the development of international human-rights jurisprudence. It supported multilateral human-rights monitoring mechanisms and had opened its own doors to field visits by United Nations officials and to the receipt of formal complaints by individuals and groups. However, it considered it illegal and counterproductive for any country to make a unilateral attempt at monitoring, and to politicize the assessment in international bodies of national human-rights situations.

33. **Mr. Zackheos** (Cyprus), speaking on sub-items 116 (b) and (c), said that one of the major issues that would dominate the discussions on human rights well into the following century would be the question of impunity. Cyprus steadfastly supported the earliest possible establishment of an International Criminal Court, which would hold both public officials and private persons responsible for their actions.

34. One of the clear cases of impunity for a crime committed against an entire people was Turkey's invasion of Cyprus and its military occupation of almost 40 per cent of its territory in 1974. Successive Turkish Governments had for over a quarter of a century thwarted all United Nations and international efforts to solve the Cyprus problem, thus proving that impunity could serve partitionist designs. The European Commission of Human Rights of the Council of Europe in a September 1999 decision had found Turkey

guilty of gross violations of human rights in Cyprus and of continuing violations of a number of articles of the European Convention on Human Rights.

35. Regarding the denial of the property rights and the right of return of the third of the Cypriot population which had become refugees, both the occupying Power and the secessionist entity installed by it in Cyprus, instead of complying with the verdict of the international community as reflected in many Security Council and General Assembly resolutions, and with the judgement of the European Court of Human Rights against Turkey, were still forcibly preventing the return of the thousands of displaced persons to their homes. At the same time, Turkey was systematically flooding the occupied territory with thousands of Turkish settlers in a deliberate attempt to alter the demography of the island.

36. The humanitarian issue of the failure to account for missing persons was still unresolved. Cyprus appealed to Turkey to comply with the Security Council resolutions on the matter, and to allow the Committee on Missing Persons established by the General Assembly in 1981 to resume its work.

37. The dwindling numbers of Greek and Maronite Cypriots still living in the occupied area faced serious restrictions on their educational opportunities, freedom of movement, property rights and religious practice, and generally lived in a hostile environment, as confirmed by the European Commission of Human Rights. In addition to changing historic names in the occupied area, Turkey was deliberately destroying and plundering its Christian cultural heritage, in an obvious drive to eradicate the historical presence of people other than Turks. The Special Rapporteur on the elimination of all forms of religious intolerance had rightly characterized that Turkish policy as a form of religious intolerance.

38. Hopes had once again been dashed for comprehensive negotiations leading to a solution of the Cyprus problem, as called for most recently in Security Council resolution 1250 (1999). The unacceptable conditions of the Turkish side for coming to the negotiations, in particular their demand for recognition of the pseudo-State and of the existence of the so-called "two States" in Cyprus and for a confederal solution, condemned the people of Cyprus to a continuation of the illegal occupation and the denial of their human rights.

39. **Mr. Issa** (Lebanon) said that respect for human rights underpinned the progress and sustainable development of nations. Lebanon guaranteed the right to education through a system of compulsory education for children and the rights of women through its national committee, established to oversee women's affairs. It had enacted legislation to combat the scourge of narcotic drugs, and guaranteed workers the right to form trade unions and to peaceful assembly. It had recently acceded to a number of International Labour Organization (ILO) Conventions in that regard.

40. The right to work was guaranteed to both men and women alike, while all citizens had the right to freedom of opinion, expression and faith without distinction. Citizens were free to form political parties and groups. The State assured its citizens the right to health and social services, through a health-insurance scheme and the social-security system.

41. Lebanon had been a party to the International Covenants on Human Rights since 1972, and to the International Convention on the Elimination of All Forms of Racial Discrimination since 1971. It provided social services to the family and the citizen and monitored the activities of welfare and humanitarian associations focusing on the vulnerable, the disabled and the needy.

42. Lebanon strongly supported the decision of the United Nations Development Programme (UNDP) to prepare a human-development report for the year 2000 that would focus on human rights.

43. The Lebanese people had been subjected to sustained human-rights violations as a result of Israeli occupation of southern Lebanon and the west Bekaa. Israel should comply with Security Council resolutions 425 (1978) and 426 (1978) and effect a complete and unconditional withdrawal from Lebanese territory.

44. It was impossible to ignore Israel's ongoing refusal to cooperate with the United Nations on human-rights issues. Israel had failed to respond to the Secretary-General's note verbale of 28 June 1999 concerning the human-rights situation in Lebanon and west Bekaa, as recorded in the note by the Secretary-General contained in document A/54/188. His delegation would like to see the title of that document changed to "Human rights situation in the context of the Israeli occupation of southern Lebanon and west Bekaa."

45. His delegation wanted to know whether the United Nations was satisfied with Israel's failure to cooperate on human-rights issues, such as enforced enlistment of young men in the so-called South Lebanon Army, and whether Lebanese prisoners would continue to be detained in violation of their most basic human rights. It wondered about the reaction of international public opinion to a recent decision of an Israeli judge that those prisoners could legitimately be used as "bargaining chips", and about the

compatibility of such decisions with the norms of international law.

46. Far from withdrawing from Lebanon, Israel had stepped up its hostilities, launching aerial attacks in June 1999 that had destroyed electricity installations and bridges, cutting off the rest of Lebanon from the occupied areas. His delegation wondered why those attacks had been launched, especially as Lebanon was calling for a just and comprehensive peace settlement. He wondered if Israel had intended to attack Lebanese resistance forces, whose sole purpose was to fight against Israel's illegal occupation. He wondered why Israel was so determined to intimidate the Lebanese people, forcing them to flee their homes and destroying their property and crops. Lebanese people were being denied the right to live in their own country and to raise a family, by Israel's repeated acts of aggression. Further details could be found in his mission's note verbale to the Secretary-General, of 18 November 1998, contained in document A/53/677.

47. Lebanon's greatest wish was for a comprehensive peace settlement that would ensure development and stability in the region and bring an end to war.

48. **Mr. Win** (Myanmar) observed that subjecting a handful of Member States to greater scrutiny than others for alleged human-rights violations created the misleading impression that only they were not up to standard, and that the human rights records of countries not under scrutiny were impeccable. Such selective and hypocritical branding of culprits left many others with similar violations unscathed.

49. The discussions on Myanmar in the Committee — and the gradual shift in the thrust of the annual resolution on Myanmar from simple expressions of concern to outright demands for political measures — demonstrated that the allegations were being used to bring pressure to effect internal political change. As a responsible member of the family of nations, Myanmar shared the international community's legitimate concern for human rights and agreed that Governments must guarantee the rights of their citizens. However, the developing countries struggling to keep their economic development on course had to be given international assistance in that task, rather than having tendentious criticism heaped on them.

50. The dire predictions of impending political upheavals and catastrophic civil unrest had failed to materialize; in fact, a number of positive developments had taken place in Myanmar. An objective assessment of the situation in Myanmar would have recognized that stability had been restored after half a century of armed insurgencies. If any human-rights violations had occurred, they did not represent the policy of the Government, which was strongly committed to promoting civil and political as well as economic and social rights. Myanmar had received visits by a delegation from the International Committee of the Red Cross to inspect its prison conditions and by United Nations envoys and European and other international human-rights officials. Moreover, earlier in 1999 offending paragraphs in colonial-era legislation had been suspended.

51. The current political process in Myanmar had as its ultimate goal the emergence of a peaceful and stable democracy with a market-oriented economy. However, the internecine conflicts that were the legacy of a century of colonialism made it necessary to move slowly towards the new socio-economic order in order to preserve stability. Peace and security must be established before the foundations of democratic institutions could be laid. Outside demands for transfer of power and internal collusion by opposition forces had slowed the pace of change and the drafting of a new constitution.

52. The constitutional process must be allowed to run its course. The National Convention was, in the Government's view, the only forum where all ethnic nationalities, political parties, legal experts, the military and representatives of other sectors of society could take part in a comprehensive dialogue. Assigning sole authority to political parties would be a sure formula for civil unrest and would stifle socio-economic reform and development.

53. Once a constitution safeguarding the interests of all groups and of the country as a whole and guaranteeing the autonomy of states and regions in the Union had been adopted, the Government would be able to transfer power to a new Government elected under that new Constitution. Meanwhile, Myanmar was moving towards its political goals by preparing the ground for a healthy democracy suited to its tradition and culture, which would take root through a peaceful evolution rather than a disruptive revolution. Despite hostile attempts by some distant countries to isolate Myanmar, friendship with all countries in any region continued to be its policy. The humanitarian objective of the United Nations should be to upgrade the living standard of people in the developing countries, without demanding overnight political changes at any cost. Political change would definitely come, not just because of external pressure but because it was considered the right thing for the people.

54. **Mr. Ogurtsov** (Belarus) said that his Government's position on human rights remained unchanged: human rights were indivisible and interdependent, and their protection was a vitally important function of States. His Government

believed that democracy was one of the fundamental conditions for the full achievement of human rights. As to the speed of democratic and political reforms in a young independent State, his Government's position was to make consistent, steady progress. That policy had proved correct because Belarus was one of the few post-Soviet States to have avoided social, national or religious conflicts, and preserved peace and civic harmony.

55. Over the past two years the Parliament of Belarus had adopted a number of important laws such as the Civil Code and an act on assemblies, meetings, demonstrations and picketing. Substantial changes had been made to the laws on the press and other mass media, on the legal profession, and on the judicial system. Work was being completed on a draft penal code and a draft code of criminal procedure, as well as amendments to the law on trade unions. Laws were being drafted on ombudsmen for human rights and for children's rights, the penitentiary system, and the rights of psychiatric patients.

56. His Government was grateful for the advisory assistance provided to the Parliament of Belarus by European organizations, in particular the Organization for Security and Cooperation in Europe. The exposure of Belarusian legislators to European legislative experience was very useful. His delegation believed that the development of regional cooperation and of a treaty basis in the area of human rights was an effective instrument for achieving the goals of universal instruments such as the Universal Declaration of Human Rights.

57. Belarus was building an open society, and was working with United Nations human-rights bodies; it fully participated in all the basic international human-rights treaties and regarded the fulfilment of its obligations as a first priority. At the same time, the collective responsibility of the world community to ensure the observance of human rights without distinction could not permit any double standards. The use of human-rights issues as a means of promoting political interests ran counter to the spirit and letter of the International Bill of Human Rights.

58. Universal respect for human rights was a goal which must be achieved through the collective efforts of the entire international community on the basis of international solidarity, cooperation and partnership. The goal should be to identify and eliminate the root causes of human rights violations. Only a constructive and balanced approach based on open dialogue and close cooperation could lead to an improvement; that approach should lie at the basis of the work of the United Nations and its human-rights mechanisms.

59. In implementation of General Assembly resolution 53/153, his Government had approved a national plan for the development of human-rights education, which provided for broad information to the public about the basic international instruments and study of those instruments at all levels of education.

60. In 1998 Belarus had acceded to the convention on human rights of the Commonwealth of Independent States, following which that instrument had entered into force. A national programme of action for the protection of citizens' rights was being drawn up.

61. Belarus supported the measures for the reform and streamlining of the work of the Commission on Human Rights and the United Nations Centre for Human Rights.

62. **Mr. Kim Song Chol** (Democratic People's Republic of Korea) said that the matter of human rights had become so politicized that it was now being used as a means to realize hegemonistic ambitions. Certain countries and a group of countries were using their dominance to foist their political and economic systems and way of life on other countries with different systems, and using coercive measures, and even military force, against "disobedient" countries.

63. The use of force on the pretext of human-rights protection and humanitarian intervention had resulted in the death of tens of thousands and turned millions into refugees. Furthermore, double standards in the application of human rights infringed on the sovereignty of independent countries. Big Powers and their allies were acting as arbiters while small countries were branded as violators of human rights simply because they held to their own ideals and traditions.

64. His delegation called on all countries to respect the independence and equality of States and peoples, and implored the international community to take stronger measures to prevent attempts on the part of some countries to violate the sovereignty of others. Independence and sovereignty were essential to both human beings and States, and a violation of a country's sovereignty was thus a violation of human rights. International organizations, including the United Nations, should focus on preventing the politicization of human rights and securing impartiality in their application.

65. The Government of the Democratic People's Republic of Korea had been pursuing a policy aimed at involving citizens in political, economic and cultural life, at improving their material and cultural lives, and at ensuring their enjoyment of human rights, despite the country's recent economic difficulties. And yet, external pressure and

military threats stood to endanger the political rights of the population and to hinder their material and cultural lives. His Government would continue to promote and protect human rights by staving off coercion from abroad.

66. **Mr. Vaidik** (India) observed that many of the reports of the special rapporteurs in the area of human rights dealt with their subjects only insofar as they concerned the developing countries; contained gratuitous advice; promoted their authors at the expense of the issues; and stretched their mandates. Some were even interventionist. The mandates of the special rapporteurs and special representatives had been continually extended, despite resource shortages, largely owing to extrabudgetary contributions. It was time, in the view of India, to examine the political implications of those mandates.

67. His Government agreed with the High Commissioner for Human Rights that human rights must not become a new instrument of colonialism. Sufficient resources must be provided to her Office to allow her to fulfil her mandate autonomously without the constraints attached to extrabudgetary resources. The fact that the Office of the High Commissioner had received only about $13 million from the regular programme budget could explain why the reports often seemed to promote a limited and often political agenda. Furthermore, the activities of that Office should be redirected away from the current emphasis on monitoring and prevention and towards the promotion of human rights.

68. His delegation was disappointed by some of the sections of the interim report on the elimination of all forms of intolerance and of discrimination based on religion or belief (A/54/386). Perspective was essential, and reports of isolated incidents of abuse must not seem to suggest patterns of systematic or endemic abuse. Furthermore, a distinction must be drawn between violence and abuse perpetrated by antisocial elements and those that were promoted, permitted or tolerated by Governments; the latter must not be blamed for crimes committed by criminals unless they abetted or condoned them.

69. Paragraph 62 contained a series of wild allegations against India, and suggested only a very tenuous acquaintance with realities in the country. The notion that the Government had a Hindu policy was a travesty, since the Constitution did not permit the Government to promote the policy of any particular religion. The idea that Hindu groups were deliberately attacking the Christian minority because of their influence on Indians implied a distinction between Christians and Indians — as if to suggest that Indian Christians were not Indians — and demonstrated an appalling ignorance of India. Furthermore, personal-status laws affecting minorities in India reflected the wishes of those minorities and were formulated only with their consent. The practice of sati — the self-immolation of a widow — had not existed for decades; a single case had occurred ten years before, and had caused a public outcry.

70. The suggestion that authorities had taken no definite action with regard to violence against Christians was astonishing when paragraph 89 reported in detail the Government's response, including action to bring the criminals to book. India was a multi-ethnic, multi-religious democracy, and the Government was intolerant of any attempt to undermine the pluralistic base on which its social and political system rested. The Indian Government did not accept any actions by Indians or others to set religious or ethnic groups against each other; nor could it accept ill-informed criticism.

71. Although, in the view of his delegation, document A/54/360 offered a fair assessment of the relationship between human rights and mass exoduses, some aspects had been left out. While mass exoduses were not necessarily caused by human-rights violations, human-rights deprivations usually attended them. Although not necessarily deliberate, such violations occurred when Governments — or more frequently non-State actors — provoked an exodus. They could also occur in displaced or refugee populations, where there was often a breakdown of law and normality. In such cases, there was little that host Governments could do. The sudden arrival of large numbers of foreign refugees caused serious social and economic problems, sometimes attended by human-rights violations in host populations, which were sometimes displaced in turn from their own territories. A host Government sometimes had to choose between attending to the needs of its own population or caring for the refugees.

72. Referring to the report on national institutions for the promotion and protection of human rights (A/54/336), he noted that with few exceptions, developed countries had not yet established such institutions. For its part, India had established the National Human Rights Commission, the National Commission for Scheduled Castes and Scheduled Tribes, the National Commission for Women, the National Commission for Minorities and the National Commission for Backward Classes, covering the whole range of human rights. The report on the right to development (A/54/319) aptly stressed the importance of that right, placing it on a par with individual rights. And yet, the memorandum of understanding between UNDP and the Office of the High Commissioner for Human Rights laid more stress on individual rights than on the right to development.

73. Although his Government generally commended the work of the special rapporteurs in country situations, the interim report on the situation of human rights in Afghanistan (A/54/422) should have drawn the link between increased opium-poppy cultivation, terrorism, the export of fundamentalism, and violations of human rights. Similarly, the report on human rights and terrorism (A/54/439) should have gone into greater depth and brought the facts up to date.

74. Lastly, the comments of his Government should be considered against the backdrop of India's desire to choose its own national path within a sovereign environment, and to free its peoples from poverty.

75. **Ms. Napoli** (Observer for the European Commission), speaking on item 116 (b), said that in 1995, the first year of the United Nations Decade for Human Rights Education, the European Union had provided $10 million for democracy education and training. In 1998, it had allocated $40 million for human-rights projects, with emphasis on education and training. Another key area of support was the training of officials responsible for human-rights protection, among them judges, lawyers, civil servants, the police and security forces.

76. The most significant contribution of the European Union to the goals of the Decade was the European Master's Degree in Human Rights and Democratization, which had been established in conjunction with 15 universities, one in each member State. The only postgraduate course on international human rights in the world, that unique venture brought together students, academics and experts from various parts of the world. The programme, which linked the issues of human rights, democracy, peace and development, was divided into two parts: during the first, academics from participating universities offered intensive training in Venice, Italy; during the second, students were assigned to research centres in one of the 15 universities. Students from diverse backgrounds exchanged perspectives and insights about human-rights issues; as part of their course of study they received training in the field, and taught human-rights courses in primary and secondary schools.

77. As the High Commissioner for Human Rights had remarked, students trained in the European Master's Degree programme could now spread the human-rights message throughout the world. In May 1999, she and the Director of the Master's programme had signed a memorandum of understanding which provided for cooperation with her Office and envisaged that it would, whenever possible, recruit graduates to participate in its operational activities. Widely recognized by the international human-rights community, the Master's programme had resulted from the joint efforts of institutions, the academic community and governmental authorities. The Parliament of the European Union had provided financial support, and the Council of the European Union advocated its continuation. Although the promotion of human rights should be seen as an integral part of everyday life, formal human-rights education was an essential component of that process.

78. **Ms. Amorim** (United Nations Educational, Scientific and Cultural Organization (UNESCO)) recalled that since its beginning, UNESCO had endeavoured to implement standard-setting instruments in the promotion and protection of those components of human rights falling within its fields of competence. In that context, she welcomed the adoption of General Assembly resolution 53/243, containing the Declaration of Programme of Action on a Culture of Peace, initiated by UNESCO. The Programme of Action contained a wide range of aims and strategies for inculcating a culture of peace.

79. Scientific and technological progress had created new challenges, and, in reaction to advances in bio-technology and their possible impact on human rights, the General Conference of UNESCO had adopted in November 1997 a Universal Declaration on the Human Genome and Human Rights, which had been endorsed by the General Assembly in resolution 53/152.

80. In the area of human-rights education, 30 UNESCO chairs on human rights, democracy and peace had been established in 27 countries of Africa, Asia, Europe and Latin America in order to promote an integrated system of research, training and information activities and to facilitate regional cooperation between researchers and teachers.

81. In recent years UNESCO had been focusing on three areas, often in close cooperation with the Office of the United Nations High Commissioner for Human Rights: strengthening human-rights educational capacities at the national and regional levels, development of human-rights education materials including school manuals in several languages as well as Internet-accessible bibliographies and databases, and the annual meeting of directors of human-rights institutes convened by UNESCO in cooperation with the Office of the High Commissioner. The most recent meeting, in September 1999, had been well attended by human rights institutes and UNESCO chairs and had focused on national strategies for human-rights education, the relationship between peace and human rights, and the establishment of an effective networking system among the various institutes.

82. In closing she drew attention to document A/54/137 containing the text of a UNESCO General Conference

resolution proclaiming 23 August the International Day for Remembrance of the Slave Trade and its Abolition. It called on all member States to participate in observing that day.

83. The Chairman said that a number of delegates had indicated their desire to exercise the right of reply in respect of statements made at the previous meeting and she invited them to do so.

84. **Mr. Al-Sudairy** (Saudi Arabia), speaking in exercise of the right of reply to a statement made by Finland on behalf of the European Union, said that the European Union continued to criticize Saudi Arabia without trying to understand its religion or culture. Its attacks on Islamic Sharia law would ultimately exacerbate divisions.

85. Saudi Arabia applied Sharia law as the highest expression of human values, upholding respect for human justice. Violations of human rights were forbidden by Arab ethical standards. The Saudi Government and society accorded women a central role, at times of greater importance than that of men, in keeping with the Sharia law, which guaranteed women all rights in the home, at work and in education. All Saudi citizens were Muslims, while non-citizens were subject to the rule of law in force in the country. Saudi Arabia respected the privacy and inviolability of the home, a principle enshrined in its Constitution. The Government did not interfere in the private lives of individuals in their homes, so long as they did not behave in a manner that contravened the general customs and laws of the State.

86. Any measures it took were in keeping with the provisions of international human-rights instruments, which balanced the need to defend human rights with the need to ensure compliance with the law, with public security and the public interest and with the rights and freedoms of others. Moreover, Muslims living in other countries were subject to laws other than Sharia law, particularly with respect to divorce, inheritance, the raising of children and personal status.

87. Saudi Arabia had acceded to three major human-rights instruments and was reviewing a number of others in preparation for accession. The allegations of the European Union were purely subjective, based on false information provided by sources whose aim was to sully the reputation of Saudi Arabia and damage its constructive relationship with the United Nations High Commissioner for Human Rights.

88. **Mr. Baali** (Algeria), speaking in exercise of the right of reply, said that his delegation had been astonished by the statement made by Finland on behalf of the European Union regarding the situation of human rights in the world, and especially by remarks pertaining to Algeria. Algeria, which was engaged in a genuine process of democratization and promotion of rights and liberties, deserved different treatment. The political, security and human-rights situation in the country, which had steadily improved, should no longer constitute a subject of concern either for its European partners (with whom it intended to strengthen its cooperation) or for partners in other parts of the world.

89. As a party to almost all international human-rights instruments, Algeria had never failed to abide by its obligations thereunder. It had always submitted its reports to United Nations bodies in a timely manner and responded appropriately to requests for information from rapporteurs. It had chosen to embrace democracy because that was the sovereign choice of the Algerian people, not in order to attract the goodwill of some parties and the reproach of others. It would continue, transparently and at its own pace, to endeavour to instill peace, harmony and a genuinely democratic culture that respected human rights. In that spirit, the President of Algeria had invited representatives of non-governmental human-rights organizations to visit Algeria, and had requested the African Commission on Human Rights to hold its next session in Algiers in early 2000. Furthermore, his Government had expressed its willingness to host a North-South meeting of non-governmental human-rights organizations. In the matter of human rights, Algeria had nothing to hide.

90. **Ms. Ramli** (Malaysia), speaking in exercise of the right of reply to the statements made by Finland on behalf of the European Union, and by Canada, said that the European Union did not need to worry about the right of peaceful assembly and freedom of speech and opinion in Malaysia, since those rights were guaranteed by the Constitution. However, as reflected in the International Covenant on Civil and Political Rights, total freedom without restraints could lead to the infringement of the rights of others. The Covenant recognized the need to promulgate laws to combat incitement to national, racial or religious hatred. The European Union's criticism of Malaysia in that regard was uncalled for.

91. Her delegation believed that Canada's comments on media controls and the use of the judiciary to suppress freedom of opinion and expression referred to the case of committal proceedings brought against a Canadian journalist for contempt of the Malaysian High Court. The journalist had written an article which brought into question the integrity of the Malaysian judicial system. He had been found in contempt of the Court because of his failure to disclose a direct personal interest in the case.

92. The European Union had cast aspersions on the rule of law in Malaysia with regard to the trial of Anwar Ibrahim. Malaysia's courts merely applied the laws enacted by the Malaysian legislature. The trials of Mr. Ibrahim had been among the longest in Malaysian history, demonstrating care in reaching a judgement, while Mr. Ibrahim availed himself of the best lawyers in the system.

93. Malaysia understood its obligations under international law, but the Government could not direct the Malaysian court or the parties concerned to accept the advisory opinion of the International Court of Justice. That was particularly true insofar as the case involved the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers. No Government had the right to direct the Malaysian court. Such a decision could be taken by the court alone.

94. **Ms. Ahmed** (Sudan), speaking in exercise of the right of reply, said that although her delegation appreciated Canada's recognition of the problem of abduction in the Sudan, it categorically rejected the characterization of abduction as slavery. The Canadian Foreign Minister had made similar allegations during a statement to the Security Council in September 1999 regarding the causes of conflicts in Africa. On that occasion, the Sudanese Foreign Minister had expressed his profound astonishment at the unfounded allegations made by the Canadian Government, in particular since that country had no resident diplomatic presence in the Sudan. The Sudanese Government had invited Canada to send a fact-finding mission to the Sudan to verify those allegations; in her view, the Canadian Government should have waited for the results of such a visit before making further allegations. Canada's action cast doubt on its genuine interest in helping the Sudan to promote human rights.

95. Her delegation was pleased that the European Union had taken note of positive developments in the area of human rights in the Sudan, and looked forward to the dialogue between them scheduled to be held soon in Khartoum. That should provide the occasion for a discussion of the violations mentioned by the European Union at the previous meeting of the Committee.

96. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, categorically rejected the criticism of his country made by Finland on behalf of the European Union. He considered them distortions and provocations, and part of a hypocritical attempt by the European Union to force its values on other countries. He defended his Government's sovereign right to withdraw from the International Covenant on Civil and Political Rights in reaction to the attempts by hostile forces to isolate his country and use the Covenant to justify their acts.

97. His delegation also believed in transparency; but the European Union, including the mass media, ignored its own flagrant human-rights problems and remained silent regarding violations by its allies, including a super-Power, in an attempt to flatter that super-Power and put pressure on small countries. The actions of the European Union seemed to imply it believed in the axiom "might is right".

98. He said that the European Union often described developing countries as democratically backwards but wondered why it would not acknowledge that its own democracy and prosperity had been won at the cost of the sacrifices of former colonies, and that the root cause of the socio-economic problems hindering human rights in the developing countries was the plundering of those countries during the colonial period.

99. He also categorically rejected the criticisms made by the representative of Canada, whose unprincipled actions slavishly mimicked those of its masters in impeding human-rights assistance to the Democratic People's Republic of Korea and attempting to destroy its social system.

100. **Mr. Moniaga** (Indonesia), speaking in exercise of the right of reply to the statement made by the representative of Finland on behalf of the European Union, and the representative of Canada, stressed that his delegation could not accept comments which seemed to predetermine or prejudge the outcome of the current investigation of alleged human-rights violations in East Timor. He said the humanitarian situation in both East and West Timor had improved significantly thanks in large part to the humanitarian operations undertaken by the Indonesian Government in cooperation with international agencies.

101. Despite economic difficulties, his Government was allocating increasing resources to assist displaced persons. In October 1999 Indonesia had signed a memorandum of understanding with UNDP and the Office of the United Nations High Commissioner for Refugees with regard to the situation in East Timor, including a programme for repatriation of those who had fled. Immediately upon signing the memorandum, his Government had organized flights to repatriate those who wished to return to their homes, and increasing numbers had in fact been able to return. He stressed, however, that such repatriation was completely voluntary.

102. With regard to the situation in Aceh, he noted that the President of Indonesia was making every effort to seek a peaceful settlement of the unrest in that province and had

clearly stated that anyone found to have violated human rights would be punished. With regard to the situation in Ambon, his Government had taken steps to put an end to communal and ethnic violence and had created a forum, chaired by the Vice-President, to promote dialogue among the groups in conflict. In addition, troops had been deployed to prevent an escalation of the violence, put an end to the conflict and restore security.

103. He earnestly hoped that that new information would allow members to make a more balanced assessment of the situation and in so doing, help to promote cooperation.

104. **Mr. Mekdad** (Syria), speaking in exercise of the right of reply to the statement made by the representative of Finland on behalf of the European Union, said that his delegation was surprised by the comments that had been made with regard to Syria, particularly in view of its economic, social, political and cultural ties with the European Union and its member States. His Government and the European Union were partners in an ongoing dialogue and Syria accorded priority to developing and deepening relations with it.

105. Syria guaranteed the rights of its citizens under its Constitution and through the application of the rule of law. The independence of the judiciary was key to ensuring those rights and enhancing the ability of the courts to apply the law. The Constitution guaranteed the protection of society and of the individual. No one could be subject to arbitrary arrest or detention and everyone was ensured the right to self-defence.

106. Prison conditions were on a par with those in other countries, including the European Union. Maltreatment of prisoners was proscribed by law and a number of prison officers had recently been prosecuted in that connection. Prisoners received good levels of health care and special treatment where dictated by humanitarian considerations. They enjoyed all the rights enshrined in international human-rights instruments. Syrian prisons were reform institutions and a number of prisoners had received their university degrees during their incarceration.

107. Syrian citizens were guaranteed the right to freedom of expression and of peaceful assembly under the Constitution. All arrests, trials and sentences followed due process of law. Syria only asked that its respect for other judicial systems should be reciprocated. Indeed, several international human-rights organizations had visited Syria in recent years, praising the achievements of its judicial system.

108. It was vital that human rights should not be exploited for political purposes. So-called champions of human rights had closed an eye to massive human-rights violations, including foreign occupation and acts of mass genocide to which they had responded in the most inadequate terms, speaking of regret and sadness. They would have done better to address issues such as unemployment, racial discrimination, xenophobia and the scourges of drugs and homelessness in their own countries.

109. **Mr. Alaei** (Islamic Republic of Iran), speaking in exercise of the right of reply, said he was dismayed that the representatives of the European Union, the United States and others persisted in their tiresome criticism of the human rights situation in Iran. That negative attitude was typical of some key sectors of the administrations in the European Union and the United States who used just moral causes to advance their own agenda. Currently there was undeniably greater freedom of expression in his country than before and he noted that the magazine *The Christian Science Monitor* had recently stated that the number of press publications in Iran had tripled, and represented a wide range of political currents.

110. With regard to the recent student demonstrations, he said that his Government had defended the students' right to express their opinions, denounced the raid on their dormitories, laid charges against those responsible and dismissed the police commander in Tehran and other police officials. With regard to the death penalty, his delegation stressed that it was the right of the Iranian people to choose the legal system best suited to them and it was unacceptable for others to question that right.

111. In the area of religious freedom, he noted that Christians, Jews, Zoroastrians and others were free to practise their religion without interference from the Government. Other religions were represented in the Iranian Parliament on equal terms with Muslims despite their small proportion of the population. By way of contrast, he noted the recent controversy in Europe concerning the right of Muslim schoolgirls to wear headscarves at school.

112. He recalled that during the Committee's discussion on racism and xenophobia in October 1999, the representative of the United States had said that the forthcoming World Conference should not dwell on undesirable past or present practices but should highlight best practices in order to make progress on those issues. He suggested that the United States had a far from exemplary record in the area of discrimination and prejudice yet was quick to attack others for those very same failings. He deplored that double standard but nevertheless agreed with the United States representative

that the World Conference should indeed focus on best practices rather than pointing fingers at others.

113. **Mr. Nteturuye** (Burundi), speaking in exercise of the right of reply, said that his Government was not forcibly removing populations but was simply trying to regroup them temporarily to protect the innocent from being caught between the army and insurgents. No one was being forced to relocate; in fact, the population wanted to do so but was afraid to say so openly because of the fear of reprisals from the terrorist forces who preyed on them. He said the position of the European Union was quite contradictory: if the Government failed to act to protect those populations, the European Union would certainly criticize it.

114. His Government shared the concern expressed by the representative of the European Union about the safety of humanitarian personnel and was endeavouring to improve their security. By the end of November 1999 a special commission of inquiry into the murder of two United Nations staff members would have finished its report, the results of which would be communicated to the authorities as well as to the United Nations.

115. He welcomed the European Union's acknowledgement of the progress made in improving the justice system in Burundi, in particular the reforms under way, including the revised Criminal Code, which would come into effect in the year 2000. He also pointed out, as noted by the Special Rapporteur on the situation of human rights in Burundi, that more than 1,500 persons were receiving legal assistance, from local and foreign lawyers, which illustrated that the right to a defence was guaranteed.

The meeting rose at 6.35 p.m.